

SIERRA NATIONAL FOREST LAND EXCHANGE ACT OF  
2003

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SEPTEMBER 3, 2003.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 1651]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1651) to provide for the exchange of land within the Sierra National Forest, California, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Sierra National Forest Land Exchange Act of 2003”.

**SEC. 2. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.**

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL LAND.**—The term “Federal land” means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E½SW¼ and W½ SE¼, Mt. Diablo Meridian, California.

(2) **NON-FEDERAL LAND.**—The term “non-Federal land” means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N½NW¼, Mt. Diablo Meridian, California.

(b) **EXCHANGE AUTHORIZED.**—

(1) **IN GENERAL.**—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of \$50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) **ACCEPTABLE TITLE.**—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(c) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (b)(1), the value of the non-Federal land shall be deemed to be \$200,000 and the value of the Federal land shall be deemed to be \$250,000.

(d) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(e) RECONVEYANCE REQUIRED.—The conveyance under subsection (b) shall be subject to the condition that the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (b).

(f) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—The Secretary shall deposit the cash equalization payment received under subsection (b) in the fund established by Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(g) COST COLLECTION FUNDS.—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

#### PURPOSE OF THE BILL

The purpose of H.R. 1651 is to provide for the exchange of land within the Sierra National Forest, California, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Sequoia Council Boy Scouts currently have a Special Use Permit that allows it to operate a summer camp on 160 acres of the Sierra National Forest, California, only 15 of which are above water. The remaining 145 acres are submerged under Shaver Lake, a reservoir operated by Southern California Edison under a U.S. Forest Service Special Use Permit where the company produces hydroelectricity. A private citizen currently owns an 80-acre inholding of property surrounded by the Sierra National Forest. H.R. 1651 would exchange the privately-owned 80-acre inholding for the 160-acre Forest Service land surrounded by Shaver Lake. The private citizen would then convey the 160 acres to the Sequoia Council Boy Scouts.

The Forest Service would like to acquire the 80 acre inholding of private land, while the 160 acres on Shaver Lake is ideal for the Boy Scout camp. The Forest Service land has been used by the Boy Scouts for the past 30 years, and is surrounded by private land.

This matter has languished for several years. In June 1998, the parties signed an agreement to initiate the exchange. However, appraisal values of the land were a point of contention. In 2003, the Forest Service and the private inholder came to an agreement where the Forest Service 160-acre parcel is valued at \$250,000 and

the 80-acre inholding is valued at \$200,000. The private inholder has agreed to pay the difference of \$50,000 to the Forest Service to finalize the land transfer.

#### COMMITTEE ACTION

H.R. 1651 was introduced on April 7, 2003, by Congressman George P. Radanovich (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On June 19, 2003, the Subcommittee held a hearing on the bill. On July 9, 2003, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the measure by unanimous consent. Mr. Radanovich offered an amendment in the nature of a substitute to the bill. It was adopted by unanimous consent with the understanding that before the bill is considered by the House of Representatives, additional corrections would be made to alleviate access concerns of Southern California Edison, and others based on further negotiations between the Sequoia Council Boy Scouts and Southern California Edison. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of Rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase offsetting receipts and direct spending by \$50,000 (no net impact on the federal budget) in 2004.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and

section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 17, 2003.*

Hon. RICHARD POMBO,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1651, the Sierra National Forest Land Exchange Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*H.R. 1651—Sierra National Forest Land Exchange Act of 2003*

CBO estimates that H.R. 1651 would increase offsetting receipts and direct spending by \$50,000—for no net impact—in 2004. The bill would not affect revenues. H.R. 1651 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

H.R. 1651 would authorize the Secretary of Agriculture to exchange 160 acres of federal land in California for 80 acres of privately owned land in the state. According to the Forest Service, the affected federal land currently generates no significant receipts and is not expected to do so over the next 10 years. Hence, CBO estimates that conveying the property would not result in forgone offsetting receipts from programs to develop natural resources. Under the bill, the Secretary would receive \$50,000 from the private landowner to equalize the value of lands involved in the exchange. H.R. 1651 would authorize the Secretary to spend that amount, without further appropriation, to acquire other lands and interests in California.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.